

AMENDED IN ASSEMBLY MAY 16, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1908

Introduced by Assembly Member Lempert

February 11, 2000

An act to amend Section 17316 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as amended, Lempert. School facilities: certified architect or structural engineer.

Under existing law, contracts entered into by and between a school governing board and any certified architect or structural engineer are required to provide that plans, specifications, and estimates are property of the school district.

This bill would make the plans, *including, but not limited to, record drawings*, specifications, and estimates the property of the school district ~~for information and reference purposes only as they relate to the particular project for which they were prepared the certified architect or structural engineer was retained. The bill would name the certified architect or structural engineer as the author of the documents.~~ The bill would ~~retain in~~ *preclude the contract from transferring or waiving* the certified ~~architect~~ *architect's* or structural ~~engineer~~ *engineer's* copyrights, including all common-law and other reserved rights in the documents, ~~including copyright unless expressly transferred or waived.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17316 of the Education Code is
2 amended to read:
3 17316. (a) Any contract entered into by and between
4 the governing board of any school district and any
5 certified architect or structural engineer pursuant to
6 Section 17302 shall provide that all plans, ~~specifications~~
7 *including, but not limited to, record drawings,*
8 *specifications,* and estimates prepared pursuant thereto,
9 shall be and remain the property of the school district for
10 ~~information and reference purposes only as they relate to~~
11 ~~the project for the purposes of repair, maintenance,~~
12 ~~renovation, modernization, or other purposes, only as~~
13 ~~they relate to the project for which the certified architect~~
14 ~~or structural engineer was retained. The certified~~
15 ~~architect or structural engineer shall be deemed the~~
16 ~~author of these documents and shall retain all~~
17 ~~common law and other reserved rights, including the~~
18 ~~copyright.~~ *retained.*
19 (b) *The contract set forth in subdivision (a) shall not*
20 *be construed to transfer or waive the certified architect's*
21 *or structural engineer's copyrights over these documents,*
22 *including, but not limited to, all common law, statutory,*
23 *and other reserved rights, unless the certified architect or*
24 *structural engineer expressly transfers or waives these*
25 *rights through the written contract, including, but not*
26 *limited to, a written addendum or amendment.*

